

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**STEPHEN LEWIS**

**PLAINTIFF**

**V.**

**NO. 3:23-CV-336-DMB-RP**

**CITY OF SOUTHAVEN, MISSISSIPPI;  
and DETECTIVE WHITNEY WALLEY,  
in her official and individual capacity as a  
Southaven Police Department Detective**

**DEFENDANTS**

**ORDER**

On March 4, 2024, Stephen Lewis filed a motion for summary judgment against the City of Southaven, Mississippi, and Detective Whitney Walley in her individual capacity. Doc. #34. On June 27, 2024, the Court granted the defendants' earlier-filed motion for judgment on the pleadings as to all Lewis' claims except the claim against Walley in her individual capacity for an alleged illegal search and seizure of Lewis' cell phone. Doc. #43. On July 25, 2024, Walley filed a notice of appeal of the June 27 order "only as such Order denied her qualified immunity as to the alleged illegal search and seizure of the cell phone and/or 'cell phone content' at issue in this case." Doc. #54. The same day, Walley filed a motion to "stay discovery and trial pending appellate review" of the June 27 order, which the Court granted on July 30, 2024.<sup>1</sup> Doc. #57 at 2, 3. Because Walley's pending appeal will address Lewis' individual capacity claim against Walley—the very issue raised in Lewis' motion for summary judgment (and the sole remaining claim in this case)—Lewis' motion for summary judgment [34] and this entire case are **STAYED** pending Walley's appeal.

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<sup>1</sup> In the July 30 order, the Court also denied without prejudice the defendants' motion for additional discovery under Rule 56(d), and Walley's motion to supplement her response to Lewis' summary judgment motion. Doc. #57 at 3.

**SO ORDERED**, this 25th day of March, 2025.

**/s/Debra M. Brown**  
**UNITED STATES DISTRICT JUDGE**